



Reprinted  
April 10, 2001

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## ENGROSSED SENATE BILL No. 375

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DIGEST OF SB 375 (Updated April 9, 2001 5:33 PM - DI 98)

**Citations Affected:** IC 12-8; IC 12-28; noncode.

**Synopsis:** Human services. Extends the current administrative structure of the office of the secretary of family and social services (FSSA) until July 1, 2004. Changes the membership and meeting procedure of the community residential facilities council. Requires council approval of an entity providing supported living services. Allows the council to issue a provisional license or provisional approval for up to six months to a supervised group living facility or an entity that provides supported living services. Provides transitional authority for a supervised group setting that is converting to a supported living setting to operate as a supported living setting under certain conditions.

**Effective:** June 30, 2001; July 1, 2001; July 1, 2002.

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### Riegsecker

(HOUSE SPONSORS — KLINKER, ALDERMAN)

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January 17, 2001, read first time and referred to Committee on Health and Provider Services.

March 1, 2001, amended, reported favorably — Do Pass.

March 5, 2001, read second time, ordered engrossed. Engrossed.

March 6, 2001, read third time, passed. Yeas 50, nays 0.

#### HOUSE ACTION

March 12, 2001, read first time and referred to Committee on Human Affairs.

April 5, 2001, amended, reported — Do Pass.

April 9, 2001, read second time, amended, ordered engrossed.

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ES 375—LS 7881/DI 98+



Reprinted  
April 10, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## ENGROSSED SENATE BILL No. 375

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 12-8-1-10, AS AMENDED BY P.L.7-2000,
- 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JUNE 30, 2001]: Sec. 10. This chapter expires ~~July 1, 2001~~ **July 1,**
- 4 **2004.**
- 5 SECTION 2. IC 12-8-2-12, AS AMENDED BY P.L.7-2000,
- 6 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JUNE 30, 2001]: Sec. 12. This chapter expires ~~July 1, 2001~~ **July 1,**
- 8 **2004.**
- 9 SECTION 3. IC 12-8-6-10, AS AMENDED BY P.L.7-2000,
- 10 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 11 JUNE 30, 2001]: Sec. 10. This chapter expires ~~July 1, 2001~~ **July 1,**
- 12 **2004.**
- 13 SECTION 4. IC 12-8-8-8, AS AMENDED BY P.L.7-2000,
- 14 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 15 JUNE 30, 2001]: Sec. 8. This chapter expires ~~July 1, 2001~~ **July 1,**
- 16 **2004.**
- 17 SECTION 5. IC 12-28-5-2, AS AMENDED BY P.L.272-1999,

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SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) The community residential facilities council is established. The council consists of the following members appointed by the governor:

(1) One (1) professional possessing specialized training in the field of human development.

(2) One (1) member of the professional staff of the division of disability, aging, and rehabilitative services.

(3) One (1) member of the professional staff of the office of Medicaid policy and planning.

(4) One (1) member of the professional staff of the state department of health.

(5) One (1) individual possessing a special interest in developmentally disabled individuals.

(6) One (1) individual possessing a special interest in mentally ill individuals.

(7) One (1) individual who is the chief executive officer of a facility providing both day services and residential services for developmentally disabled individuals.

(8) One (1) individual who is the chief executive officer of a facility providing residential services only for developmentally disabled individuals.

**(9) One (1) individual who is a member of the professional staff of the Indiana protection and advocacy services commission. The individual appointed under this subdivision is an ex officio member of the council.**

**(10) One (1) individual who is the chief executive officer of an entity providing only supported living services.**

**(11) One (1) individual who is receiving services through the bureau of developmental disabilities services.**

**(12) Two (2) members of the public. The members appointed under this subdivision may be members of a representative organization of state employees.**

(b) Except for the members designated by subsection (a)(7), ~~and (a)(8), and (a)(10)~~, a member of the council may not have an indirect or a direct financial interest in a residential facility for the developmentally disabled.

SECTION 6. IC 12-28-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. The term of each member of the council is four (4) years. Except for the members listed in ~~section 2(a)(9), 2(a)(10), section 2(a)(7), 2(a)(8), and 2(a)(11)~~ **2(a)(10)** of this chapter, members of the council may be reappointed.



SECTION 7. IC 12-28-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. The council:

(1) shall meet at least quarterly; **and**

**(2) may meet more often than quarterly if necessary, but not more often than monthly.**

Only the presiding officer may call additional meetings.

SECTION 8. IC 12-28-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. In conjunction with the division of disability, aging, and rehabilitative services, the council shall do the following:

(1) Determine the current and projected needs of each geographic area of Indiana for residential services for developmentally disabled individuals.

(2) Determine how the provision of developmental or vocational services for residents in these ~~geographic~~ **geographic** areas affects the availability of developmental or vocational services to developmentally disabled individuals living in their own homes.

(3) Develop standards for licensure of supervised group living facilities regarding the following:

(A) A sanitary and safe environment for residents and employees.

(B) Classification of supervised group living facilities.

(C) Any other matters that will ensure that the residents will receive a residential environment.

**(4) Develop standards for the approval of entities providing supported living services.**

**(5)** Recommend social and habilitation programs to the Indiana health facilities council for developmentally disabled individuals who reside in health facilities licensed under IC 16-28.

~~(5)~~ **(6)** Develop and update semiannually a report that identifies the numbers of developmentally disabled individuals who live in health facilities licensed under IC 16-28. The Indiana health facilities council shall assist in developing and updating this report.

SECTION 9. IC 12-28-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. **(a)** A supervised group living facility must have a license or provisional license issued under this chapter to operate.

**(b) An entity that provides supported living services must be approved by the council under this chapter to operate.**

SECTION 10. IC 12-28-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12. (a) The council may



license only those supervised group living facilities that:

- (1) meet the standards established under section 10 of this chapter; and
- (2) are necessary to provide adequate services to developmentally disabled individuals in that geographic area.

(b) A supervised group living facility described in subsection (c) may ~~only~~ locate in only one (1) of the following counties:

- (1) a county having a population of more than twenty-five thousand nine hundred fifty (25,950) but less than twenty-six thousand (26,000);
- (2) a county having a population of more than one hundred sixty thousand (160,000) but less than two hundred thousand (200,000); or
- (3) a county having a population of more than forty-four thousand (44,000) but less than forty-five thousand (45,000).

(c) Notwithstanding 431 IAC 1.1-3-7(c) and 431 IAC 1.1-3-7(d), the council shall license one (1) supervised group living facility that is located less than one thousand (1,000) feet from another supervised group living facility or a sheltered workshop under the following conditions:

- (1) Both of the supervised group living facilities meet all standards for licensure as provided in section 10(3) of this chapter.
- (2) Both of the supervised group living facilities are built on land that is owned by one (1) private entity.
- (3) The community formed by the supervised group living facilities provides job opportunities for residents of the supervised group living facilities.

**(d) The council may approve an entity to provide supported living services only if the entity meets the standards established under section 10 of this chapter.**

SECTION 11. IC 12-28-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13. The council may revoke:

- (1) the license of a supervised group living facility; or**
- (2) the approval of an entity that provides supported living services;**

that no longer meets the standards established under section 10 of this chapter after following the procedures prescribed by IC 4-21.5-3. If a hearing is provided for or authorized to be held by the council, the council may designate a person as its agent or representative to conduct a hearing. The agent or representative shall conduct the hearing under

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1 IC 4-21.5-3.

2 SECTION 12. IC 12-28-5-14 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) The council  
4 may issue a provisional license to a facility that does not qualify for a  
5 license under section 12 of this chapter but that provides satisfactory  
6 evidence that the facility will qualify within a period prescribed by the  
7 council. The period may not exceed ~~one (1) year~~ **six (6) months**.

8 (b) **The council may issue provisional approval to an entity**  
9 **providing supported living services that does not qualify for**  
10 **approval under section 12 of this chapter but that provides**  
11 **satisfactory evidence that the entity will qualify within a period**  
12 **prescribed by the council. The period may not exceed six (6)**  
13 **months.**

14 SECTION 13. [EFFECTIVE JULY 1, 2001] (a) Notwithstanding  
15 IC 12-28-5-10, IC 12-28-5-11, IC 12-28-5-12, IC 12-28-5-13, and  
16 IC 12-28-5-14, all as amended by this act, and IC 12-11-1.1-1, a  
17 supervised group living setting (as described in  
18 IC 12-11-1.1-1(e)(1)) that is converting to a supported living service  
19 (as described in IC 12-11-1.1-1(e)(2)) may operate as a supported  
20 living service setting if the supervised group living setting meets the  
21 following conditions:

22 (1) Serves more than four (4) but not more than eight (8)  
23 unrelated individuals.

24 (2) Receives approval from the head of the bureau of  
25 developmental disabilities services established by  
26 IC 12-11-1.1-1 within the division of disability, aging, and  
27 rehabilitative services.

28 (b) A supervised group living setting may operate as a  
29 supported living service under the conditions described in  
30 subsection (a) for one (1) year after the date the conversion begins.

31 (c) This SECTION expires July 1, 2003.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 375, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, delete lines 25 through 28, begin a new paragraph and insert:

"SECTION 3. IC 12-28-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. The council:

**(1) shall meet at least quarterly; and**

**(2) may meet more often than quarterly if necessary, but not more often than monthly.**

Only the presiding officer may call additional meetings."

and when so amended that said bill do pass.

(Reference is to SB 375 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 8, Nays 0.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred Senate Bill 375, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-8-1-10, AS AMENDED BY P.L.7-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2001]: Sec. 10. This chapter expires ~~July 1, 2001~~. **July 1, 2004.**

SECTION 2. IC 12-8-2-12, AS AMENDED BY P.L.7-2000, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2001]: Sec. 12. This chapter expires ~~July 1, 2001~~. **July 1, 2004.**

SECTION 3. IC 12-8-6-10, AS AMENDED BY P.L.7-2000, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2001]: Sec. 10. This chapter expires ~~July 1, 2001~~. **July 1, 2004.**

SECTION 4. IC 12-8-8-8, AS AMENDED BY P.L.7-2000, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2001]: Sec. 8. This chapter expires ~~July 1, 2001~~. **July 1, 2004."**

Page 2, between lines 15 and 16, begin a new line block indented and insert:

**"(13) One (1) individual from each of the two (2) exclusive representative organizations of state employees."**

Page 4, after line 37, begin a new paragraph and insert:

**"SECTION 13. [EFFECTIVE JULY 1, 2001] (a) Notwithstanding IC 12-28-5-10, IC 12-28-5-11, IC 12-28-5-12, IC 12-28-5-13, and IC 12-28-5-14, all as amended by this act, and IC 12-11-1.1-1, a supervised group living setting (as described in IC 12-11-1.1-1(e)(1)) that is converting to a supported living service (as described in IC 12-11-1.1-1(e)(2)) may operate as a supported living service setting if the supervised group living setting meets the following conditions:**

**(1) Serves more than four (4) but not more than eight (8) unrelated individuals.**

**(2) Receives approval from the head of the bureau of developmental disabilities services established by IC 12-11-1.1-1 within the division of disability, aging, and rehabilitative services.**

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**(b) A supervised group living setting may operate as a supported living service under the conditions described in subsection (a) for one (1) year after the date the conversion begins.**

**(c) This SECTION expires July 1, 2003."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 375 as printed March 2, 2001.)

SUMMERS, Chair

Committee Vote: yeas 9, nays 2.

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## HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 375 be amended to read as follows:

Page 2, line 31, after "public." insert "**The members appointed under this subdivision may be members of a representative organization of state employees.**".

Page 2, delete lines 32 through 33.

(Reference is to ESB 375 as printed April 6, 2001.)

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